

The decision turns largely on credibility of the claimant. Taking into consideration the opportunity by the Administrative Law Judge to observe the demeanor of the witnesses, the Appeals Board finds claimant has, for preliminary hearing purposes, established accidental injury arising out of and in the course of his employment. The Order of the Administrative Law Judge should be affirmed.

WHEREFORE, the Order of the Administrative Law Judge Alvin E. Witwer dated June 13, 1995 should be, and the same is hereby, affirmed.

IT IS SO ORDERED.

Dated this ____ day of September 1995.

BOARD MEMBER

BOARD MEMBER

BOARD MEMBER

c: Derek R. Chappell, Ottawa, KS
 John B. Rathmel, Overland Park, KS
 Alvin E. Witwer, Administrative Law Judge
 Philip S. Harness, Director